

WICHITA POLICE DEPARTMENT

POLICY NO. 504

SUBJECT: BIAS CRIMES	
Effective Date: 4/2/2020	Distribution: All Personnel
Reviewed/Approved Date: 11/15/2019	Next Review Date: September 2022
Approved By: Executive Staff	Amends/Rescinds 10/20/2006
<i>This policy is for departmental use only and does not apply in any criminal or civil proceeding. This policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>	

I. PROCEDURES

A. General Guidelines

1. Federal, State, and Local law all require the Wichita Police Department designate which of its reported crimes, both felony and misdemeanor, directly result from a bias of one type or another. Thus, a reporting officer must determine:
 - a. Whether a bias crime has occurred;
 - b. The proper Hate Bias Motivation Code for the case;
 - c. Whether an additional charge may be filed against the person suspected of committing the bias crime.

B. Determining Whether a Crime is a Bias Crime

1. To be designated a bias crime, the misconduct must have occurred as the direct result of the perpetrators' hatred of, or bias towards, a particular type of person, or specific group of people [e.g., racial, religious, ethnic/national origin, or sexual orientation]. If the crime most likely would have occurred regardless of the victims orientation or group membership, then the incident should not be designated a bias crime [e.g., a W/M robs a B/F; unless some indication exists the crime occurred because of the victims race, gender, etc., it is not a bias crime].

C. Classification

1. If a determination is made that an incident is motivated by hatred or bias towards a particular type of person or a specific group of people, then the reporting officers must include a Hate Bias Motivation Code on the Incident Report.

D. Additional Criminal Charges

1. Sub-section 5.01.010(a) of the Code of the City of Wichita is designed to charge

certain crimes when these crimes are motivated by hatred or hostility towards a person because of the person's race, color, gender, religion, national origin, age, sexual orientation, ancestry, disability, or handicap. Before charges may be filed against a person pursuant to this section, the arresting officer must ascertain the suspect violated one (1) of the following City ordinances:

- a. Chapter 5.10-Assault and/or Battery;
 - b. Chapter 5.24-Disorderly Conduct;
 - c. Section 5.66.010-Criminal Damage to Property;
 - d. Section 5.66.050-Criminal Trespass;
 - e. Chapter 5.82-Interfering with Telephone Service;
 - f. Chapter 5.88-Unlawful Use of Weapons
2. Unless evidence exists that one (1) or more of these crimes was committed, the suspect should not be charged with a violation of subsection 5.01.010(a). However, if charged with violating 5.01.010(a), the suspect should not be additionally charged with the underlying crime, just the bias crime.